603

NOTIFICATION.

No 6568—L.A. Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Live Stock Improvement Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY

Budget Session, March-April 1951.

Report of the Select Committee on the Mysore Livestock Improvement Bill 1951.

(*Presented on 16th March 1951*).

We, the members of the Select Committee to which the Mysore Livestock Improvement Bill 1951 was referred, have considered the Bill in detail and have the honour to submit this our report.

Clause 2.—As there is a shortage of buffalo-bulls and there is no need at present to apply the provisions of this Act to buffalo-bulls, we recommended that items (a) and (b) of Clause 2 which seek to include within the definition of 'bull' a buffalo-bull and within the definition of 'cow' a buffalo-cow may be deleted.

Clause 4 (1).—As this sub-clause itself states that the eruption of two central incisor teeth is the test for a bull having attained age, we consider it unnecessary to provide for this matter by rules. We therefore recommend that for the words "prescribed age" the word "age" may be substituted.

We are of the opinion that a license should be obtained only in the case of bulls which are kept for the purpose of serving cows. We accordingly recommend that after the words "the two central incisor teeth" the words "for the purpose of serving cows" may be inserted.

We also recommend that the words at the end of this sub-clause "unless it is certified by the prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director" may be deleted as, in our opinion, the provision of this clause should be limited only to the obtaining of license for bulls kept for the purpose of serving cows.

Clause 4 (2).—We are of the opinion that the officer competent to grant a license should not be below the rank of Veterinary Inspector. We therefore recommend that in this sub-clause, after the words "officer or person", the words "not below the rank of Veterinary Inspector" may be added.

Clause 5.—We are of the opinion that where a license has been granted or revoked under sub-clause (1) or sub-clause (2) and the licensing officer happens to be an authority other than the Director, an appeal should lie to the Director. We accordingly recommend that after sub-clause (3), the following sub-clause may be added and the present sub-clause (4) may be re-numbered as sub-clause (5).—

> "(4).—Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director."

Clause 8.—We are of opinion that the inspection of a bull under this clause should be only at the place where the bull is kept and that it should not be required to be produced for inspection elsewhere. We accordingly recommend that the word "either" and the words "or at any other reasonable place specified in the order" may be deleted.

Clause 9 (1).—Consequential on the change recommended in sub-clause (1) of Clause 4, we recommend that for the words "which in his opinion has attained the prescribed age" the words "required to be licensed under Section 4" may be substituted.

We are of the opinion that under the provisions of this sub-clause it should be sufficient if the bull has been effectively castrated and that the method and manner of such castration need not be subject to approval by the Director or specified in the order. We accordingly

recommend that for the word "castrated" the words "effectively castrated" may be substituted and that the words "by a method and in a manner approved by the Director and specified in the order" may be deleted.

We are of the opinion that the period of time specified for such castration is too short and we accordingly recommend that for the words "one month" the words "three months" may be substituted.

Clause 10.—We recommend that this clause may be omitted and the remaining clauses re-numbered suitably.

Clause 11 (re-numbered as 10).—As almost all the areas in Mysore are served by officers of the Veterinary Department, we consider it sufficient, if the power to require the production of licenses is confined to officers of the Animal Husbandry Department. We accordingly recommend that in item (*a*) the words "or an officer of the Agricultural Department not below the rank of an Agricultural Inspector or an officer of the Revenue Department not below the rank of a Revenue Inspector, or such other officer as may be authorised in this behalf by the State Government by general or special order" may be omitted.

Clause 13 (1) [re-numbered as 12 (1)].—We recommend that the words "to submit it for inspection, or" and the words and letter "section 8 or" may be deleted.

Clause 13 (2) (*a*) [re-numbered as 12 (2) (a)].—Consequential on the amendment proposed to clause 4 (1) we recommend that for the words "has attained the prescribed age" the words "has attained the age specified in section 4" may be substituted.

Clause 15 (re-numbered as 14).—We consider it unnecessary to cast a duty under this statute on officers to give information about intention or preparation and we accordingly recommend that in item (*a*) the words "or of the intention or preparation to commit any offence" may be omitted.

Clause 22 (2) [re-numbered as 21 (2)].—As the intention underlying this sub-clause is to make its provisions applicable to bulls specified in sub-clause (1), we recommend that this sub-clause may be recast as follows:—

"(2). If the licensing officer is of opinion that any such bull as is referred to in sub-section (1)

is of the description set out in sub-clause (*a*), or sub-clause (*b*) or sub-clause (*c*) of sub-section (1) of Section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Direct or cause such bull to be removed to a prescribed place."

We are of the opinion that before the provisions of this measure are extended to any area, the opinion of the local body functioning in that area about the availability of a sufficient number of breeding bulls of approved quality to serve the needs of that area should be obtained and that the Government should also be satisfied that the needs of that area in this respect has been or will be met either by bulls maintained by Government or by local bodies or by private individuals.

The Bill was published in the *Mysore Gazette* Extraordinary, dated 12th January 1951.

In our opinion the Bill has not been so altered as to require republication.

T. Mariappa (*Chairman*).
M. Govinda Reddy.
H. Siddaveerappa.
H. Siddananjappa.
K. Singari Gowda.
D. M. Siddaiah.
H. C. Linga Reddy.
H. B. Gundappa Gowda.
H. M. Mallikarjunappa.
M. V. Krishnappa.
B. Hutche Gowda.
A. R. Somanatha Iyer
(*Advocate-General.*)

Sri H. M. Channabasappa and Sri S. Rangaramiah were not present at the meeting of the Committee.

THE MYSORE LIVESTOCK IMPROVEMENT BILL, 1951

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title, extent and commencement.
2. Definitions.
3. Conferment of powers or duties of the Director.
4. Bulls which have attained a certain age to be licensed.
5. Refusal and revocation of licenses.
6. Surrender of license.
7. Grant of duplicate license.
8. Inspection of bulls.
9. Power to order castration of bulls.
10. Production of license.
11. Penalties.
12. Power of licensing officer to castrate bulls.
13. Power of licensing officer, etc., to inspect or mark bulls and to enter premises.
14. Duty of officers to report offences.
15. Cognizance of offences.
16. Officers to be public servants.
17. Bar of certain proceedings.
18. Limitation for certain suits and prosecutions.
19. Revision.
20. Power to make rules.
21. Saving.

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or sidelined indicate the amendments suggested by the Select Committee. Omissions are indicated by asterisks.)

THE MYSORE LIVESTOCK IMPROVEMENT BILL, 1951.

A Bill to provide for the improvement of livestock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of livestock in the State of Mysore ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Livestock Improvement Act, 1951.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

* * * *

(*a*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3 ;

(*b*) "license" means a license granted under section 4 ;

(*c*) "licensing officer" means the Director or any other officer or person authorised to grant licenses under section 4 ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody ; and

(*f*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Conferment of powers or duties of the Director.

3. The State Government may, by general or special order, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licensed.

4. (1) No person shall keep a bull which has attained the * * age corresponding to the eruption of the two central incisor teeth for the purpose of serving cows except under and in accordance with the terms, conditions and restrictions of a license granted under this section.

* * * *
* * * *

Explanation.—Where a person keeps more than one bull he shall obtain a separate license in respect of each bull.

(2) Every license under this section shall be granted by the Director or any officer or person not below the rank of Veterinary Inspector authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the license.

Refusal and revocation of licenses.

5. (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a license in respect of any bull if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(*c*) of a breed which is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also revoke a license granted in respect of any bull kept within his jurisdiction (whether such license was granted by himself or by any other officer) if in his opinion—

(*a*) the license was granted under circumstances of which the licensing officer was not aware at the time of granting the license; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the license.

(3) If a license is revoked under this section, the officer revoking the license shall give notice thereof to the person keeping the bull or to the person stated in the license to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director.

(5) No person shall be entitled to any compensation for the refusal or revocation of any license under this section.

Surrender of license.

6. A license granted in respect of a bull shall be surrendered without delay to the licensing officer, if,

(*a*) the period specified in the license expires, or

(*b*) the license is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate license.

7. If the licensing officer is satisfied that the license granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the license a duplicate thereof, and all the provisions of this Act with respect to the license so lost or destroyed shall apply to the duplicate as if it were the original license.

Inspection of bulls.

8. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, * at the place where the bull is kept for the time being * * * * and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all seasonable assistance in connection with such inspection to the officer concerned.

Power to order castration of bulls.

9. (1) The licensing officer may, by order, require any person keeping a bull required to be licensed under Section 4 and in respect of which no license is for the time being in force under this Act, to have it effectively castrated, within three months from the date of service of the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

* * *

* * *

* * *

Production of license.

10. It shall be the duty of any person who for the time being keeps a bull in respect of which a license has been obtained and is in force, to produce such license :

(*a*) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any officer of the Animal Husbandry Department not below the rank of Veterinary Inspector, or

* * *

* * *

* * *

(*b*) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a license ; or

(*b*) neglects or fails to submit a bull for inspection when required to do so under section 8, or

(*c*) neglects or fails to comply with an order served under section 9; or

(*d*) neglects or fails to produce a license when required to do so under section 11,

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

Power of licensing officer to castrate bulls.

12. (1) If a person who keeps a bull neglects or fails * * * to have it castrated when required to do so under * * * section 9, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the * * * age specified in section 4 and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him :

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(*d*) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (*c*) shall be determined in the prescribed manner.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

13. For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times,

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

Duty of officers to report offences.

14. It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments :

(*a*) to give immediate information to the nearest licensing officer, of the commission of any offence,

* * * *

punishable under this Act which may come to their knowledge ;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed ; and

(*c*) to assist any licensing officer in carrying out the provisions of this Act.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

Officers to be public servants.

16. The Director, every licensing officer, all officers and persons authorised by the Director or licensing officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government. Bar of certain proceedings.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of. Limitation for certain suits and prosecutions.

19. The State Government may, at any time, either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such orders in reference thereto as they think fit. Revision.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The State Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed;

(*b*) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers; and

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

Saving.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

(2) If the licensing officer is of opinion that any such bull as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or sub-clause (*b*) or sub-clause (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director or cause such bull to be removed to a prescribed place.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.